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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2010-461*

12 **JENNIFER NELL GLENN**
13 **351 S. Monte Vista St., #11**
14 **La Habra, CA 90631**

A C C U S A T I O N

15 **Registered Nursing License No. RN 524331**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about July 26, 1996, the Board of Registered Nursing issued Registered
24 Nursing License Number RN 524331 to Jennifer Nell Glenn (Respondent). The Registered
25 Nursing License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on August 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee. Under section 2811, subdivision (b), an expired license may be renewed at any time within eight years after expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

"Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

"(a) Considering the denial of a license by the board under Section 480; or

"(b) Considering suspension or revocation of a license under Section 490.

"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the

1 ground that the applicant or the licensee has been convicted of a crime substantially related to the
2 qualifications, functions, and duties of the licensee in question, the record of conviction of the
3 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
4 and the board may inquire into the circumstances surrounding the commission of the crime in
5 order to fix the degree of discipline or to determine if the conviction is substantially related to the
6 qualifications, functions, and duties of the licensee in question.

7 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
8 'registration.'"

9 9. Section 2761 of the Code states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 "....

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof."

17 "...."

18 10. Section 2762 of the Code states:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
21 following:

22 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
23 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
24 administer to another, any controlled substance as defined in Division 10 (commencing with
25 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
26 defined in Section 4022.

27 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
28 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in

1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 "(c) Be convicted of a criminal offense involving the prescription, consumption, or self-
5 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
6 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
7 of this section, in which event the record of the conviction is conclusive evidence thereof."

8 REGULATIONS

9 11. California Code of Regulations, title 16, section 1444, states:

10 "A conviction or act shall be considered to be substantially related to the qualifications,
11 functions or duties of a registered nurse if to a substantial degree it evidences the present or
12 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
13 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

14 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
15 subdivision (d) of Penal Code Section 11160.

16 "(b) Failure to comply with any mandatory reporting requirements.

17 "(c) Theft, dishonesty, fraud, or deceit.

18 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
19 Penal Code."

20 12. California Code of Regulations, title 16, section 1445 provides:

21 "....

22 "(b) When considering the suspension or revocation of a license on the grounds that a
23 registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such
24 person and his/her eligibility for a license will consider the following criteria:

25 "(1) Nature and severity of the act(s) or offense(s).

26 "(2) Total criminal record.

27 "(3) The time that has elapsed since commission of the act(s) or offense(s).
28

1 “(4) Whether the licensee has complied with any terms of parole, probation, restitution or
2 any other sanctions lawfully imposed against the licensee.

3 “(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the
4 Penal Code.

5 “(6) Evidence, if any, of rehabilitation submitted by the licensee.”

6 COST RECOVERY

7 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 FIRST CAUSE FOR DISCIPLINE

12 **(August 6, 2004 Conviction for Alcohol-Related Reckless Driving on March 8, 2004)**

13 14. Respondent is subject to disciplinary action under sections 490 and 2761,
14 subdivision (f), in that on August 6, 2004, in the Superior Court, County of San Bernardino, in the
15 case entitled *The People of the State of California v. Jennifer Nell Glenn*, case number
16 TVA91156, Respondent was convicted on her plea of guilty to violating Vehicle Code section
17 23103.5, alcohol-related reckless driving, which is substantially related to her qualifications,
18 functions and duties as a registered nurse. The circumstances are as follows:

19 a. Respondent was involved in a non-injury traffic collision in which her vehicle ended
20 up over the side of the roadway partially through the barbwire fence on northbound I-15 south of
21 Sierra Avenue in the City of Fontana, California. A witness to the incident reported that
22 Respondent passed him at a high rate of speed in the #1 lane of northbound I-15 and rapidly
23 changed lanes between other vehicles on the roadway. Respondent then swerved from the #4 left
24 lane across all lanes, almost striking the concrete divider. Respondent quickly swerved right and
25 lost control, subsequently driving off the roadway and striking a barbwire fence and pole
26 bordering the east freeway edge where the vehicle stopped. When a California Highway Patrol
27 officer responded and contacted Respondent, he observed objective symptoms of her alcoholic
28 intoxication: red/watery eyes, slurred/slow speech and a moderate odor of an alcoholic beverage

1 emitting from Respondent's breath. She became highly agitated, aggressive in her behavior, and
2 began using vulgar language. Respondent refused a Preliminary Alcohol Screening test and
3 Respondent was then placed under arrest for driving under the influence of alcohol. Respondent
4 was uncooperative for her chosen blood test. In her plea form, Respondent admitted that on
5 March 8, 2004, in the County of San Bernardino, she unlawfully drove her vehicle recklessly
6 while under the influence of alcohol.

7 b. On or about August 6, 2004, Respondent was sentenced to three years of probation, to
8 obey all laws, pay various fines and fees, attend the Wet Reckless Program, not drive a motor
9 vehicle unless properly licensed and insured or drive after drinking alcohol, and submit to a test
10 of blood, breath or urine, if requested by an arresting officer.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(October 1, 2009 Conviction for Drug-Related Reckless Driving** 13 **on September 5, 2008)**

14 15. Respondent is subject to disciplinary action under sections 490 and 2761,
15 subdivision (f) in that on October 1, 2009, in the Superior Court, County of Orange, West Justice
16 Center, in the case entitled *The People of the State of California v. Jennifer Glenn aka Jennifer*
17 *Nell Glenn aka Jennifer Neil Glenn*, case number 08WM12939, Respondent was convicted on her
18 plea of guilty to violating Vehicle Code section 23103 pursuant to Vehicle Code section 23103.5,
19 drug-related reckless driving, which is substantially related to her qualifications, functions and
20 duties as a registered nurse. The circumstances are as follows:

21 a. On September 5, 2008, Respondent was involved in a single car traffic collision on
22 Beach Boulevard and Center Street in Huntington Beach, California. A witness stated that
23 Respondent swerved in and out of several lanes of SR 39 and at one point rear-ended a white
24 vehicle stopped at a traffic signal. The witness stated that none of the occupants of the white
25 vehicle that was rear-ended by Respondent got out of their vehicle nor did Respondent. The
26 witness did not know if anyone in the white vehicle knew they had been hit. As they approached
27 Center Avenue, the witness observed Respondent veer from the #3 southbound lane and collide
28 with the cement island, then drive up on to the island, and then collide with the traffic signal on

1 the island. The responding officer to the scene of the accident noted that Respondent's eyes were
2 droopy and she appeared tired. The officer did not smell the odor of an alcoholic beverage and
3 believed she was under the influence of a prescription drug at the time of the collision.
4 Respondent denied drinking alcohol or taking any medication. When the officer looked in
5 Respondent's vehicle for identification, registration and insurance, he found several prescription
6 medications including a derivative of Valium and other muscle relaxers. A DUI investigation
7 was conducted and Respondent was placed under arrest.

8 b. In her plea form, Respondent admitted that on September 5, 2008, she drove a vehicle
9 recklessly while under the influence of drugs. On October 1, 2009, Respondent was sentenced to
10 two years informal probation, ordered to pay various fines and fees, not to drive a motor vehicle
11 with a measurable amount of alcohol or drugs in blood, submit to a chemical test of blood, breath
12 or urine on demand of any peace officer or probation office, and attend a 12-hour Alcohol and
13 Drug Program.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Using Alcohol and Drugs to an Extent Dangerous to Self and Others)**

16 16. Respondent's license is subject to discipline under Code section 2762,
17 subdivision (b), in that Respondent used alcohol and drugs to an extent dangerous to herself and
18 others as set forth in paragraphs 14-15, which are incorporated here by this reference.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Criminal Conviction Involving the Consumption of Alcohol)**

21 17. Respondent's license is subject to discipline under Code section 2762,
22 subdivision (c), in that Respondent was convicted of a criminal offense involving the
23 consumption of alcohol as set forth in paragraphs 14-15, which are incorporated here by this
24 reference.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Criminal Conviction Involving the Use of Alcohol and Drugs)**

27 18. Respondent's license is subject to discipline under Code section 2762,
28 subdivision (c), in that Respondent was convicted of a criminal offenses involving the

1 consumption of alcohol and drugs as set forth in paragraphs 14-15, which are incorporated here
2 by this reference.

3 DISCIPLINE CONSIDERATIONS

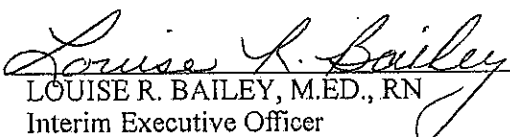
4 19. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges that on August 12, 1997, in a prior criminal proceeding referenced on the
6 CLETS DMV record for Court case number 19437, Respondent was convicted on August 12,
7 1997, for violating Vehicle Code section 23152, subdivision (b) on July 9, 1997, and was
8 sentenced by the Court to three years probation.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nursing License Number RN 524331, issued to
13 Jennifer Nell Glenn;
- 14 2. Ordering Jennifer Nell Glenn to pay the Board of Registered Nursing the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 3/23/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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